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Attorneys for Defendant John Potter, Postmaster General of the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JUDITH E. CORBETT,

Plaintiff,

v.

JOHN POTTER, Postmaster General of the
United States,

Defendant.

No. C 04-3671 MEJ

**STIPULATION RE: EMOTIONAL DISTRESS
DAMAGES;AND**

ORDER

Plaintiff Judith E. Corbett ("Plaintiff"), and Defendant John Potter, Postmaster General of the
United States ("Defendant") hereby agree and stipulate as follows:

STIPULATION RE: EMOTIONAL DISTRESS DAMAGES - CASE NO. 04-3671 MEJ

STIPULATION REGARDING ALLEGED EMOTIONAL DISTRESS DAMAGES

1. As a result of the events alleged in this case, Plaintiff does not presently suffer from any type of severe emotional distress or symptoms thereof;
2. Plaintiff alleges garden-variety emotional distress damages in this case;
3. Plaintiff plans to introduce evidence of non-expert garden-variety emotional distress as a result of the events alleged in this case, but shall be precluded from seeking or admitting evidence at trial regarding severe emotional distress.
4. Defendant shall be precluded from requesting and/or moving to compel an independent mental examination of Plaintiff or subpoenaing her medical records from her treating doctor, psychologist, therapist, and/or counselor. Likewise, Plaintiff shall be precluded from referring to or admitting into evidence at trial any documents or other items at trial prepared or maintained by a treating doctor, psychologist, therapist, and/or counselor.
5. Neither Plaintiff nor Defendant shall offer any testimony, evidence, or records from any expert witness or treating doctor, psychologist, therapist, or counselor, on the subject of Plaintiff's alleged emotional distress; and
6. Nothing herein shall prohibit Plaintiff from seeking to recover damages for any ordinary, garden-variety, and non-severe emotional distress from Defendant, or from offering at trial her own testimony or testimony from witnesses who are not experts or treaters concerning such damages.

Respectfully submitted,

LAW OFFICES OF MARY DRYOVAGE

/s/

Mary Dryovage
Attorney for Plaintiff

Dated: _____

IT IS SO ORDERED.

Dated: July 22, 2005

KEVIN V. RYAN
United States Attorney

/s/

Julie A. Arbuckle
Assistant United States Attorney
Attorneys for Defendant

Dated: _____

MARIA JAMES
United States Magistrate Judge

